

# Serving *on a Maryland* Grand Jury



**Your service as a grand juror is important to all of the citizens of Maryland. It is an obligation and a responsibility that ensures equal treatment under the law for all.**



**Presented by the Maryland Judiciary  
Jury Use and Management Committee  
[www.mdcourts.gov/jury/service/index.html](http://www.mdcourts.gov/jury/service/index.html)**

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# You have been chosen to serve as a grand juror

Service on the grand jury is one of the cornerstones of the Maryland criminal justice system. In fact, the system, as it existed in England at the time of settlement of this country, was included in the Declaration of Rights of the Maryland Constitution. It continues to be an integral part of the justice system.

The grand jury evaluates the state's evidence against a person and decides whether there is probable cause for the criminal charge. This process protects the accused and the public from unwarranted prosecution. It forces the state to show that it is seeking a conviction based on more than rumor, speculation or hunch.

Grand juries are selected at random from a fair cross section of the citizens who reside in the county/Baltimore City where the court convenes. A citizen may not be excluded from service because of his or her color, disability, economic status, national origin, race, religion or sex. You cannot volunteer for jury service or recommend that others serve.

It is illegal for an employer to fire an employee because of time lost by the employee when he or she responded to a summons or attended court for service or prospective service as a grand juror, or because the employee exercised her or his rights (under certain circumstances) not to work on a day in which the employee had jury service. It is also illegal for an employer to require an employee to use leave (annual, sick or vacation) to respond to a summons for jury service. Grand jury service is an important public service and it is the obligation of every citizen to serve when summoned.

This handbook is designed to answer questions you may have about your service and duties as a grand juror. Please read it carefully. If you still have questions after reading this handbook, please visit the jury service page of the Maryland Judiciary's website: [www.mdcourts.gov/juryservice/index.html](http://www.mdcourts.gov/juryservice/index.html).

Few people are selected to serve on a grand jury. Thank you for your dedication and willingness to serve.

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# What is a grand jury?

A grand jury is a group of up to 23 people who are called together to do two things:

- Receive and hear evidence to determine whether probable cause exists to charge someone with a crime; and
- Conduct certain investigations.

A grand jury may also include alternates.

## Grand jury v. trial jury

The American judicial system has two primary types of juries: the grand jury and the trial jury. Trial juries are sometimes called “petit” juries because, in French, “grand” means large and “petit” means small. When the jury system began, a grand jury had a larger number of members than a petit jury, thus their traditional names. The grand jury in no way serves a more significant (or larger) role than the trial jury. Rather, each performs a distinct but equally important function.

The grand jury does not hear both sides of the case and does not determine the guilt or innocence of the accused. This is determined by a trial jury. The grand jury only determines whether there is probable cause that the accused committed the crime. If the accused is later tried by jury, it is a trial jury that determines whether a defendant is guilty of a crime. Grand juries generally review criminal cases, while trial juries consider civil cases as well as criminal cases.



# Grand Jury Basics: oaths, secrecy

A jury is selected at random from a cross section of adult Maryland citizens who reside in the county/Baltimore City. This cross section is drawn from a statewide voter registration list and lists from the Motor Vehicle Administration of people with driver's licenses or identification cards. In some counties, other lists of county residents may also be used.

The process is intended to make sure that the grand jury is representative of the community and can fairly and impartially decide and investigate the matters presented to it.

## The oath

Before the beginning of the first grand jury meeting, each grand juror takes an oath to act fairly and maintain the secrecy of the grand jury's proceedings. The oath will be similar to this:

*"I (swear/affirm) to act diligently and according to my best understanding with regard to all matters before the grand jury; except as lawfully ordered by this court or as expressly authorized by law, not to disclose willfully any evidence given before the grand jury, anything that I or another grand juror says, or my or any other grand juror's vote as to a matter before the grand jury; and not to act or refuse to act on any matter before the grand jury due to affection, malice, or other emotion or due to reward or hope or promise of reward."*



I swear

# and the State's Attorney

## Secrecy

Maryland law requires all grand jury proceedings to be kept secret. This secrecy allows jurors and witnesses to be completely honest as they talk about evidence and make decisions. Each grand juror takes an oath that he or she will not talk about what is said during deliberations. Jurors may not discuss evidence with the press, their families or the public. Jurors also are not allowed to discuss their votes. In short, nothing that happens during a grand jury proceeding may leave the room.

*(Maryland Annotated Code, Courts & Judicial Proceedings Article, Section 8-507)*

There is no time limit — a grand juror can never disclose information that is secret.

Grand jury secrecy restricts the use of electronic devices and social media. “Electronic devices” include cell phones, laptops, tablets, etc. A grand juror is not permitted to bring any electronic device, into the jury room. A grand juror is not permitted to use any electronic device or social media to discuss any matter before the grand jury. A grand juror cannot look up anything on the Web, and cannot email, blog, twitter or use any kind of social media site to say anything about grand jury service.

Grand jury secrecy also limits the people who can be in the grand jury room while the grand jury conducts its business. By law, when the

grand jury takes testimony, the only people allowed to be present are the grand jurors, the court reporter (who records the testimony), an interpreter (if one is needed), the prosecutor(s) working with the grand jury and the witness who is testifying. If anybody else is present, the proceeding is illegal and any indictment issued on the basis of the proceeding must be dismissed.

Violation of grand jury secrecy is against the law. A person convicted of such a violation is guilty of a misdemeanor and is subject to a fine of up to \$1,000, imprisonment for up to 1 year, or both.

## State's Attorney and Assistant State's Attorney

The State's Attorney (SA) or Assistant State's Attorney (ASA) is an important figure in grand jury proceedings. Not only does the SA or ASA bring witnesses before you to testify, but he or she also acts as your legal advisor. The SA or ASA can answer legal and procedural questions that you may have, but cannot remain in the grand jury room while you deliberate or while a vote is taken.

Sometimes the Attorney General (or an Assistant Attorney General) or the State Prosecutor (or an Assistant State Prosecutor) will present a matter to the grand jury and in those matters, will act as the grand jury's advisor.



# What are the duties

## Deciding whether to indict

**The key responsibility of the grand jury is to decide whether the State has enough evidence against a suspect to bring formal charges.**

The key responsibility of the grand jury is to decide whether the State has enough evidence against a suspect to bring formal charges. A prosecutor presents the case, which may include a description of the elements of the crimes. The prosecutor may call witnesses to testify and invite you to ask questions of the witnesses as well. The prosecutor generally will be a State's Attorney or Assistant State's Attorney. In some cases, it will be the Attorney General, Assistant Attorney General, State Prosecutor or Assistant State Prosecutor.

You should not expect to hear all of the State's evidence against the accused. The State is only required to present the facts that it believes are necessary to show probable cause. It is the trial jury's responsibility to determine whether the accused is guilty beyond a reasonable doubt. Thus, the grand jury normally will not hear any evidence in defense of the accused.

Some of the evidence you hear will be "hearsay" — evidence that is based on what someone else said rather than on a witness' personal knowledge. Hearsay evidence is allowed during grand jury proceedings because it is an investigatory process. Such testimony is generally not admissible at trial.

After all the witnesses have testified, you will have time to decide whether there is probable cause for the accused to be charged with the crime. If you decide there is enough evidence, you will vote for indictment. If the grand jury votes to indict, the foreperson will sign a "true bill," and formal charges will be brought against the accused. The indictments become the official accusation in the Circuit Court when presented to the court by your foreperson.



# of the grand jury?

## Investigations

In Maryland, the grand jury also serves as a protector of the public, and therefore may be asked to examine other situations in the counties and Baltimore City. Grand juries may also investigate, on their own initiative, situations that a member of the grand jury believes might be a violation of law. In conducting an investigation, the grand jury may call public officials or private citizens as witnesses. The purpose of the investigation is to determine whether there is probable cause to believe that there was a violation of the criminal law. If the grand jury finds probable cause, it may issue an indictment.

## Investigating correctional facilities

Maryland law requires that the grand jury tour local correctional facilities located in its county/Baltimore City once a year to investigate their operation and management. You should be specifically concerned with the condition and maintenance of the facility and the treatment of the inmates. Any concerns that you find are to be reported to the court.

Maryland law also requires each Circuit Court to have the grand jury look into the operation and management of any State correctional facility located in the county/Baltimore City and report on related offenses and omissions. A visit is not required.



## Matters brought to the grand jury's attention by private citizens

A private citizen can bring a matter to the grand jury's attention by asking the grand jury for permission to appear before the whole grand jury. This is a formal process. Therefore, if anyone approaches you to offer information or ask the grand jury to investigate a particular matter, act with caution. Tell the individual that any information or request for investigation needs to be put in writing and presented to the entire grand jury or to the State's Attorney (SA) or Assistant State's Attorney (ASA); then immediately notify the SA or the ASA. You want to discourage any attempt to improperly influence the grand jury and the appearance that there is an attempt to improperly influence the grand jury.

## Drafting a report

The grand jury will be asked — and sometimes required — to submit a report to the court at the end of its term. The report summarizes the grand jury's activities, comments on conditions in the community and makes recommendations for improvements to the criminal justice system. This report also contains the findings of your investigation into local correctional facilities.

You may want to read prior grand jury reports to help you understand what is expected of you and to focus your activities so there is some continuity between your grand jury and its predecessors.



## Jury service is serious business

Court personnel carefully monitor each step of the grand jury and trial jury process. There are penalties for violating the law.

- A person who does not return the completed Juror Qualification Form may be fined up to \$1,000 and/or jailed for up to 30 days.
- A prospective juror who does not appear for jury service may be fined up to \$1,000 and/or jailed for up to 60 days.
- A juror who does not complete jury service may be fined up to \$1,000 and/or jailed for up to 90 days.
- A person who willfully misrepresents a material fact on a Juror Qualification Form may be fined up to \$5,000 and/or jailed for up to 30 days.

(Maryland Annotated Code, Courts & Judicial Proceedings Article, Sections 8-503, 8-504, 8-505 and 8-506)

## Officers of the grand jury

After the grand jury is selected, a foreperson and deputy foreperson are either appointed by the judge or elected by the grand jury.

Depending on the county/Baltimore City, a grand jury may have additional officers. These officers may be appointed by the judge or elected by the grand jury.

The responsibilities of the officers may vary, but generally include the following:

- The **Foreperson** acts as the leader by counting votes and signing indictments, dismissals and/or reconsiderations. He or she signs and verifies attendance records, asks that witnesses and records be subpoenaed, and assures timely submission of the grand jury's reports. The foreperson may appoint a secretary, an oath clerk and a doorman. Sometimes, such decisions are made by a majority of the grand jury itself. The **Deputy Foreperson** presides in the absence of the foreperson.
- The **Secretary** records indictments and presents them to the foreperson for his or her signature, and keeps the attendance records of the grand jury.
- The **Oath Clerk** swears witnesses before they testify. The oath will substantially be as follows: "I (swear/affirm) that the testimony I am about to give before this grand jury shall be the truth, the whole truth, and nothing but the truth."
- The **Doorman** calls witnesses and ensures that only authorized people are in the grand jury room during hearings and deliberations.

## Maintaining the fairness of the grand jury process

The grand jury process remains fair when its decisions are based only on the evidence that is formally presented to the sitting grand jury. The evidence that is presented to the grand jury has been scrutinized for its reliability and relevance.

Therefore, grand jurors are not allowed to conduct independent research, including online research, that might reveal any information about any matter or individual that might come before the grand jury. Also, grand jurors are not allowed to make any attempt to learn which matters might be heard by the grand jury.

Online research includes research on sites such as Google, Bing, Yahoo, Wikipedia, Facebook, blogs or twitter. This research is not allowed. Research on these and similar sites can lead a grand juror to information that may seem harmless, but which is incomplete, inaccurate or otherwise inappropriate for a juror to read prior to jury service.



# Remember these key points

**Grand jury proceedings must be decided based solely on the evidence presented.**

- **It is illegal for anyone to attempt to influence the grand jury.**
- **If you are contacted by anyone regarding your duties as a grand juror, you should immediately notify the State's Attorney or the Assistant State's Attorney. This includes contacts made through the mail or other writings, telephone calls, emails, text messages, twitter and so on.**
- **A grand juror is not permitted to investigate independently a matter before the grand jury. As a grand juror you cannot, for example, independently visit a location mentioned in testimony, or use electronic devices or social media to learn more about a case or a witness, communicate about a case or witness, or communicate with a witness or party.**

**If you have any questions about what you can do, do nothing until you can ask the State's Attorney or the Assistant State's Attorney for clarification.**



# Frequently used terms

## Attorney General

The elected official who is Maryland's chief legal officer. The Attorney General appoints Assistant Attorneys General to assist in the work.

## Court reporter

The person who records testimony before a grand jury.

## Fifth Amendment Right

The right of an accused person to remain silent/not respond to questions, in order to prevent self-incrimination.

## Hearsay evidence

Evidence that is not based on a witness' personal knowledge but, rather, on what someone else said.

## Immunity from prosecution

Protection from prosecution in exchange for testimony that might not otherwise be forthcoming.

## Probable cause

Reasonable grounds for belief in the existence of facts that support a charge; the basis for issuing a charging document or search warrant.

## State's Attorney

The elected official in a county/Baltimore City who prosecutes criminal offenses and generally represents the State in criminal litigation. The State's Attorney appoints Assistant State's Attorneys to assist in the work.

## State Prosecutor

The official who investigates violations of certain State laws such as election and public ethics laws. The Office of State Prosecutor was established by amendment to the Maryland Constitution in 1976 as an independent unit within the Office of the Attorney General. The State Prosecutor appoints Assistant State's Prosecutors to assist in the work.

## Trial jury

A jury for the trial of an action; in Maryland, generally 12 persons for criminal trials and six for civil trials, not including alternates. A trial jury was traditionally called a "petit" jury.

## Transcript

An official, typed record of a proceeding, including word-for-word testimony of witnesses, statements by attorneys, rulings by and instructions of the judge, etc., which is prepared by a court reporter from stenographic notes or electronic recordings made during the proceeding.

**Grand jury proceedings must be decided based solely on the evidence presented.**



# Thank you



## **The importance of your service as a grand juror cannot be overstated**

Our system of justice could not work without your participation.

On behalf of the Maryland Judiciary, this Circuit Court and the Jury Office, thank you for your service.

If you have more questions about jury service, please check:

- Maryland Judiciary Website  
[www.mdcourts.gov/index.html](http://www.mdcourts.gov/index.html)
- Your Local Jury Office  
[www.mdcourts.gov/juryservice/juryoffices.html](http://www.mdcourts.gov/juryservice/juryoffices.html)

**The Maryland Judiciary Jury Service website has more information about jury service, including answers to frequently asked questions. Visit:**  
**[www.mdcourts.gov/juryservice/index.html](http://www.mdcourts.gov/juryservice/index.html).**

WWW

# Notes



Maryland Judiciary  
Office of Communications and Public Affairs  
2009-D Commerce Park Drive  
Annapolis, MD 21401  
410-260-1488  
[mdcourts.gov](http://mdcourts.gov)

